

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DENNIS URGENT,

Plaintiff,

v.

DENNIS URGENT(c)TM®, *et al.*,

Defendants.

No. 4:19-CV-01348

(Judge Brann)

(Chief Magistrate Judge Schwab)

**ORDER**

**DECEMBER 10, 2020**

Plaintiff, challenging the criminal proceedings against him, filed the instant action.<sup>1</sup> The case was jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”<sup>2</sup> Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.<sup>3</sup>

On June 18, 2020, Chief Magistrate Judge Susan E. Schwab, to whom this matter is jointly assigned, issued a thorough report and recommendation. Chief

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<sup>1</sup> Doc. 1.

<sup>2</sup> 28 U.S.C. 636(b)(1)(B).

<sup>3</sup> 28 U.S.C. 636(b)(1).

Magistrate Judge Schwab recommended that Plaintiff's civil claims be dismissed with prejudice as frivolous.<sup>4</sup> However, she also recommended that Plaintiff be given leave to amend his habeas petition.<sup>5</sup> This Court adopted this recommendation, and Chief Magistrate Judge Schwab set the deadline for Plaintiff to file his amended petition on October 1, 2020.<sup>6</sup> Plaintiff failed to amend his petition before October 1, 2020, so Chief Magistrate Judge Schwab recommended on October 19, 2020 that all claims be dismissed.<sup>7</sup>

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."<sup>8</sup> Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.<sup>9</sup>

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<sup>4</sup> Doc. 22 at 25-26.

<sup>5</sup> *Id.*

<sup>6</sup> Doc. 26 at 2.

<sup>7</sup> *Id.*

<sup>8</sup> Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that judges should give some review to every report and recommendation)).

<sup>9</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

**AND NOW, IT IS HEREBY ORDERED** that:

1. Chief Magistrate Judge Susan Schwab's October 19, 2020 Report and Recommendation, Doc. 26, is **ADOPTED in full**.
2. Plaintiff's Complaint, Doc. 1, is **DISMISSED WITH PREJUDICE**.
3. The Clerk of Court is directed to close the case file.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

United States District Judge